

PLANNING COMMISSION MEETING MINUTES

On this the 17th day of June 2015, the Planning Commission of the City of Rosenberg, Fort Bend County, Texas, met in a regular meeting at the Rosenberg City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471.

COMMISSIONERS PRESENT

Pete Pavlovsky	Planning Commission Chairperson
Lester Phipps, Jr.	Planning Commission Vice Chairperson
Wayne Poldrack	Planning Commission Secretary
Alicia Casias	Planning Commissioner
James Urbish	Planning Commissioner

COMMISSIONERS ABSENT

Mike Parsons	Planning Commissioner
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STAFF PRESENT

Travis Tanner	Executive Director of Community Development
Janet Eder	Secretary II

OTHERS PRESENT

Christian Lentz	Kendig Keast Collaborative
Jordan Konesheck	Pape-Dawson Engineers (The Trails at Seabourne Parke Section Three)

CALL TO ORDER

Chairperson Pavlovsky called the meeting to order at 4:00 p.m.

AGENDA

1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF MAY 20, 2015.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to approve the minutes of the Regular Planning Commission Meeting of May 20, 2015, as written. The motion carried unanimously by those present.

2. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF THE TRAILS AT SEABOURNE PARKE SECTION THREE, A SUBDIVISION OF 23.495 ACRES LOCATED IN THE G.M. STONE 1/3 LEAGUE SURVEY, ABSTRACT 312 CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147); 97 LOTS, 2 RESERVES, 2 BLOCKS.

Executive Summary: The Preliminary Plat of The Trails at Seabourne Parke Section Three consists of approximately 23.495 acres and 97 single-family residential lots. It is located south of J. Meyer Road off of Sandy Sea Road, east of The Trails at Seabourne Parke Section Two and south of The Trails at Seabourne Parke Section One. It is generally in the southeast quadrant of The Trails at Seabourne Parke adjoining Seabourne Creek to the east. The Plat is located within the City Limits and in Fort Bend County MUD No. 147.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size since the Land Plan was approved before the current standards relating to lot size. The Plat conforms to the approved Land Plan dated June 2003 (see attached). The development was assigned to LGI Homes in 2014, and they are developing in accordance with the previously approved Land Plan.

There being no conflicts with applicable regulations or with the original Land Plan, staff recommends approval of the Preliminary Plat of The Trails at Seabourne Parke Section Three. In addition to the Utility Agreement and Land Plan, this Plat/development is subject to a Road Improvement Agreement related to improvements to J Meyer Road that was recently amended to address the needed improvements before approval of the Final Plat of

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired why the Preliminary Plat of The Trails at Seabourne Parke Section Three was subject to approval prior to the completion of road improvements to J Meyer Road.
- Mr. Tanner replied that when the utility agreement was assigned, the terms stated that the J Meyer Road improvement agreement had to be approved prior to approval of the Final Plat of The Trails at Seabourne Parke Section Two. Mr. Tanner explained that a twelve-month timeline for the completion of the J Meyer Road had been addressed at the June City Council Meeting.
- Mr. Tanner stated that nothing would prevent the Commission from approving.
- Commissioner Poldrack inquired about what benefit the City or the developer had.
- Mr. Tanner stated that obtaining approval of the preliminary layout prior to spending money on designing streets and utilities for the subdivision was the purpose.
- Commissioner Poldrack inquired about a mechanism for obtaining a Homeowner's Association (HOA) for the subdivision.
- Mr. Tanner replied that there was a HOA.
- Commissioner Poldrack inquired if the HOA would be administered by the homeowners, a management company or by the developer.
- Mr. Tanner directed this question to Jordan Konesheck, Pape Dawson Engineers.
- Mr. Konesheck did not have an answer to the question.
- Mr. Tanner replied that private management companies usually manage an HOA.
- Commissioner Poldrack expressed concern about the property maintenance of Rosenberg subdivisions. Commissioner Poldrack stated that The Reserve at Brazos Town Center was the best example of a well maintained subdivision, while Bayou Crossing, located off Airport Road, was not. Commissioner Poldrack stated that Bayou Crossing must not have a HOA because of the appearance of the subdivision. The City apparently does not have the authority to enforce maintenance regulations in the subdivision.
- Mr. Tanner stated that the City recently approved an ordinance for fence repairs and other property maintenance issues.
- Commissioner Poldrack inquired if future developments would be mandated to have a HOA.
- Mr. Tanner replied that restrictive covenants apply. After long periods of time, and after a subdivision has been built out, the restrictions depend on the economic status of the subdivision. Mr. Tanner stated that the City does not have the authority to enforce deed restrictions.
- Commissioner Poldrack inquired if the City could enforce deed restrictions in subdivisions.
- Mr. Tanner replied that this question would have to be addressed with the City attorney, but he did not think so.
- Commissioner Poldrack inquired if a developer could be required to have a HOA.
- Mr. Tanner replied that the subdivision ordinance would need to be reviewed before the City could mandate a subdivision to have a HOA.

Action Taken: Commissioner Casias moved, seconded by Commissioner Phipps, to approve the Preliminary Plat of The Trails at Seabourne Parke Section Three, a subdivision of 23.495 acres located in the G.M. Stone 1/3 League Survey, Abstract 312 City of Rosenberg, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 147); 97 lots, 2 reserves, 2 blocks. The motion carried by a vote of four "ayes" to one "no". **AYES:** Chairperson Pavlovsky, Vice Chairperson Phipps, and Commissioners Casias and Urbish. **NOES:** Commissioner Poldrack.

3. CONSIDERATION OF AND ACTION ON REQUESTS FOR FUTURE AGENDA ITEMS.

Executive Summary: This item allows the Planning Commission the opportunity to request that items be placed on future agendas.

Key Discussion:

- Chairperson Pavlovsky questioned if an existing development had been purchased by another developer, do they have to subsequently comply with current standards.
- Chairperson Pavlovsky requested that addressing this issue in future development agreements be placed on next month's agenda.
- Mr. Tanner stated that a development agreement format has been in place and that a developer must meet current standards after a ten- to twelve-year period.

- Mr. Tanner explained that, generally speaking, new regulations do not apply to developers because of a change of ownership, but rather because of a change of property use.
- Commissioner Poldrack requested that current development standards be enforced even when there has been a transfer of ownership.
- Mr. Tanner stated that new development agreements must be assigned to new developers and the agreement will be subject to City Council approval.
- Mayor McConathy requested that shared parking space requirements be added to next month's agenda.
- Mayor McConathy stated the importance of meeting parking space requirements, opposed to resorting to a PUD because parking requirements could not be met.
- Mr. Tanner replied that the Comprehensive Plan is addressing similar concerns regarding parking.
- Mayor McConathy suggested having more joint parking.
- Chairperson Pavlovsky inquired how code enforcement addressed deteriorating fences.
- Mr. Tanner replied that City Council recently passed an ordinance to address maintenance issues with fences.

No action taken.

4. ANNOUNCEMENTS.

There were no announcements.

5. ADJOURNMENT.

There being no further business, Chairperson Pavlovsky adjourned the Rosenberg Planning Commission meeting at 5:10 p.m.



Janet Eder
Secretary II